

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Michiaki Sakamoto

Serial No.: 09/585,472

Group Art Unit: 2871

Filed: June 2, 2000

Examiner: Rude, T.

For: ACTIVE MATRIX LIQUID CRYSTAL DISPLAY DEVICE AND
MANUFACTURING METHOD THEREOFHonorable Commissioner of Patents
Alexandria, Virginia 22313-1450RECEIVED
CENTRAL FAX CENTER
NOV 21 2003**RESPONSE TO RESTRICTION REQUIREMENT**

OFFICIAL

Sir:

In response to the Office Action, dated October 21, 2003, please consider the following:

REMARKS

The above-referenced Office Action required restriction of the present invention to one of Invention I (as defined by the Examiner to be method of manufacturing claims 6-10 and 17-22) and Invention II (as defined by the Examiner to be device claims 1-5 and 11-16). In response, Applicants hereby provisionally elect Invention II (drawn to the device) and Species D and Subspecies DA (which the Examiner considers as being claims 11-14 and 16), under traverse that such Restriction/Election by the Examiner is appropriate in this instance.

Applicants additionally submit that claim 11 is generic to the device claims of Invention II and claim 17 is generic to the manufacturing claims 6-10 and 17-22 of Invention I, and that these two generic claims are currently worded so that a restriction would be improper.

Applicants reserve the opportunity to later file a Divisional Application for the non-elected claims.

Applicants first traverse that there is an undue burden on the Examiner, since these two inventions and the species/subspecies have clearly been searched once, as evidenced in the

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prosecution history prior to filing the RCE on July 25, 2003.

Second, it is submitted that one of ordinary skill in the art would not necessarily agree with the characterizations in the Examiner's rationale that the product as claimed could be necessarily made by another and materially different process.

That is, the Examiner first alleges that "... the display can be made with color filters formed by an ink-jet process (as opposed to the photosensitive color resist of base claims 6 and 7) and the display can be made by forming a single contact hole subsequent to forming the color filter (as opposed to the first and second holes of base claim 17)".

As best understood, the Examiner is alleging in this last statement that the manufacturing process defined by claims 6-10 differs from that defined by claims 17-22, since the process in claims 6-10 specifically describe the color filter as comprising a photosensitive color resist, whereas claims 17-22 do not contain a similar limitation.

However, Applicants submit that, even if such distinction is intended, this first rationale does not address claims 17-22.

That is, as best understood, the Examiner additionally attempts to allege that the process claims 17-22 also differ from the product because it is alleged that the display could be formed in a manner materially different manner "... by forming a single contact hole subsequent to forming the color filter (as opposed to the first and second holes of base claim 17)".

However, Applicants submit that the Examiner reads more into claim 17 than the plain language permits. That is, in spite of the Examiner's implied interpretation of claim 17 (as best understood), there is no limitation in this claim that the first hole and the second hole are formed separately. The plain language does not at all specify an interpretation as to whether the holes are formed in a single step or in separate steps. It is also noted that the Examiner's "single contact hole" inherently would include the first hole in the passivation layer and the second hole in the color filter.

Therefore, Applicants submit that the Examiner has failed to properly identify a materially different process to at least claims 17-22.

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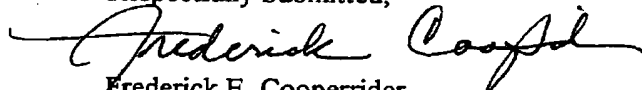
It is also noted that Applicants expect to shortly submit a Supplemental Amendment that will clearly eliminate the Examiner's rationales for this Restriction/Election.

Early, favorable prosecution on the merits is respectfully requested.

Should the Examiner find the Application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

A conditional petition is made for any extension of time which may become necessary. The Commissioner is authorized to charge any fees for such extension and to credit any overpayment in fees to Assignee's Deposit Account No. 50-0458.

Respectfully Submitted,



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Reg. No. 36,769

Date: 11/21/03

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CERTIFICATION OF TRANSMISSION

I certify that I transmitted via facsimile to (703) 872-9306 this Response to a Restriction Requirement to Examiner Rude on November 21, 2003.



Frederick E. Cooperrider/Reg. No. 36,769

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November 21, 2003

VIA FACSIMILE

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Facsimile No.: (703) 872-9306

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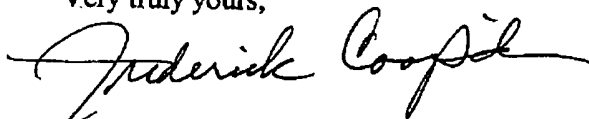
Re: Enclosed Response to Restriction Requirement
U.S. Patent Application Serial No. 09/585,472
Our Reference: NEC.173

Dear Examiner Rude:

Enclosed is Response to Restriction Requirement, which is responsive to the Office Action dated October 21, 2003.

Thank you in advance for your kind consideration on this case.

Very truly yours,



Frederick E. Cooperrider

FEC:jkm
Enclosure

Total No. of Pages Transmitted: 4